UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UBS AG, LONDON BRANCH,

                    Plaintiff,

          - against -

GREKA INTEGRATED, INC.,

                    Defendant.

19 Civ. 10786 (LLS)

ORDER

     In 2021 this Court entered judgment against defendant Greka

Integrated, Inc. ("GIT") and plaintiff UBS AG, London Branch

("UBS") was awarded $136,967,650.10 in damages (the "judgment").

UBS represents, and GIT does not dispute, that GIT has failed to

pay any money towards the judgment. In an attempt to enforce the

judgment, UBS served several post-judgment discovery requests on

GIT. UBS asserts that GIT has substantially failed to comply

with those requests and sought this Court's intervention. On

March 31, 2023, the Court held a discovery conference, during

which the parties informed the Court they had reached an

agreement. Under that agreement, UBS agreed to narrow the scope

of its document requests and GIT agreed to produce the

documents, along with an itemized privilege log. However,

despite receiving the narrowed requests from UBS, GIT failed to

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produce any documents.[1]

UBS then filed this motion to compel, which GIT opposed. GIT also filed a motion for a protective order ruling that GIT does not have to respond to UBS's discovery demands, nor produce an itemized privilege log, nor produce documents in the legal control of its upstream affiliates. GIT additionally filed a motion on behalf of non-party Randeep Grewal, a core executive at GIT, seeking his own protective order to enforce Grewal's right to financial privacy under the California Constitution.

<div align="center">Discussion</div>

<div align="center">I.</div>

As judgment creditor, UBS is entitled to "broad post-judgment discovery in aid of execution," EM Ltd. v. Republic of Argentina, 695 F.3d 201, 207 (2d Cir. 2012), and GIT has a continuing duty to produce discovery until payment of the judgment is completed. UBS, not GIT, is the preferred party in questions of discovery of GIT's assets. With those principles in mind, UBS's motion to compel is granted. GIT's motion for a protective order is denied. GIT's motion seeks overbroad "protection" from discovery requests, and fails to show "good cause," as required under Federal Rule of Civil Procedure 26(c),

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[1]GIT says the "agreement" was unenforceable, conditional and tentative. See Greka's Memoranda in Support of its Motion for Protective Order (Dkt. Nos. 120, 128).

for a protective order. To the extent GIT has concerns relating to attorney-client privilege in the discovery requests, those may be addressed in an item-by-item privilege log, which GIT is required to produce.

GIT argues that it has already produced the requested documents in a separate action. That production does not discharge GIT's discovery obligations in this case. Blue Citi LLC v. 5Barz Int'l Inc., 2019 WL 10890126, at *2 (S.D.N.Y. Feb. 6, 2019). However, in the interest of fairness and efficiency, UBS must conduct a review of the discovery material it has already received and withdraw requests which are duplicative of material received from GIT in a separate litigation.
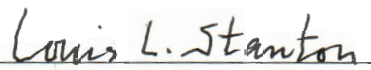
II.

GIT's motion for Grewal to intervene for the purpose of moving for a protection order is denied. It fails to specify which of the twenty discovery requests he believes would implicate his right to financial privacy under the California Constitution, to the extent it applies. It omits to describe a particularized injury he would suffer from specific disclosures, which leaves it too broad and vague to be granted. Most of the inquiries are not of unrelated assets or transactions (which might in some part be protectable) but legitimately ask about his relation with GIT and receipts from it.

III.

Because UBS' motion to compel is granted, UBS is entitled to its costs and attorneys' fees in connection with the filing of the motion under Federal Rule of Civil Procedure 37(a)(5)(A). However, UBS has not submitted an affidavit detailing the amount of attorneys' fees or costs it seeks in connection with filing this motion. An affidavit and any documentation must be produced by UBS within 30 days of this order. GIT will be given 14 days from the time UBS files that documentation to oppose the application. Fed. R. Civ. P. 37(a)(5)(A).

So ordered.

Dated: New York, New York
           June 8, 2023

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                                    LOUIS L. STANTON
                                    U.S.D.J.

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